

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: October 26, 2010
Public Hearing: November 16, 2010

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance Granting Special Permit No. ZON10-00084, to allow for Infill Development on the property described as Lots 13-20, and the West 75.75 feet of the south 2 feet of Lot 11 and the West 75.75 feet of Lot 12, Block 135 Campbell Addition, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: El Paso-Los Angeles Limousine Express, Inc., Location: 400, 404, 410, and 412 S. Oregon ZON10-00084 (District 8)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – No objection to Planning recommendation.
City Plan Commission (CPC) – Approval recommendation 5-0

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Deputy Director Planning and Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00084, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 13-20, AND THE WEST 75.75 FEET OF THE SOUTH 2 FEET OF LOT 11 AND THE WEST 75.75 FEET OF LOT 12, BLOCK 135 CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, El Paso-Los Angeles Limousine Express, Inc., has applied for a Special Permit for infill development for a new Mercado complex; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 of the El Paso City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in a **C-4 (Commercial)** Zone District:
Lots 13-20, and the West 75.75 feet of the South 2 feet of Lot 11 and the West 75.75 feet of Lot 12, Block 135, Campbell Addition, City of El Paso, El Paso County, Texas
2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a new Mercado complex; and,
3. That this Special Permit is issued subject to the development standards in the **C-4 (Commercial)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes; and,
4. That if at any time the Owner or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. **ZON10-00084** shall

automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO


ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director Planning and Economic
Development Department

AGREEMENT

El Paso-Los Angeles Limousine Express, Inc, the Owner referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **C-4 (Commercial)** District regulations, and subject to all other requirements set forth in the Ordinance. Notwithstanding the foregoing, if, prior to commencing any demolition of existing structures or the construction of new improvements as set forth in the Detailed Site Development Plan, the Owner elects not to develop the property, the status quo shall be maintained with respect to the property's current zoning status, and the Owner shall have no additional rights and no additional responsibilities related to such status, provided that nothing shall prevent the City from enforcing its applicable code provisions as they pertain to the property.

EXECUTED this _____ day of _____, 2011.

El Paso-Los Angeles Limousine Express, Inc.:

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2011, by _____, for **El Paso-Los Angeles Limousine Express, Inc.** as Owner.

My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:

MEMORANDUM

DATE: October 18, 2010

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Arturo Rubio, Senior Planner

SUBJECT: ZON10-00084

The City Plan Commission (CPC) on October 21, 2010 voted **5-0** to recommend **APPROVAL** of the special permit application to allow for infill development.

The CPC found that the special permit is in conformance with the Plan for El Paso and that the proposed use is in conformance with the projected 2025 general land use map for the Central Planning Area. The proposed development is compatible with adjacent land uses. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was **NO OPPOSITION** to this request.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00084 **REVISED**
Application Type Special Permit and Detailed Site Development Plan Review
CPC Hearing Date October 21, 2010
Staff Planner Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

Location 400, 404, 410, and 412 S. Oregon Street
Legal Description Lot 13-20, and the West 75.75 feet of the South 2 feet of Lot 11 and the West 75.75 feet of Lot 12, Block 135, Campbell Addition, City of El Paso, El Paso County, Texas
Acreage 0.61 acres
Rep District 8
Existing Use Outdoor Flea Market
Existing Zoning C-4 (Commercial)
Request Infill Development
Proposed Use Mercado/Indoor Flea Market

Property Owners El Paso-Los Angeles Limousine Express Inc.
Applicant El Paso-Los Angeles Limousine Express Inc.
Representative Harry Page

SURROUNDING ZONING AND LAND USE

North: C-5 (Commercial) / Flea Market Tents
South: SRR (Special Residential Revitalization) / Multi-family residential
East: C-4 (Commercial) / Gas Station and Retail
West: C-4 (Commercial) / Restaurant and Retail

THE PLAN FOR EL PASO DESIGNATION: Mixed Use (Central Planning Area) and Downtown Plan

NEAREST PARK: Pioneer Plaza (1,622 feet)

NEAREST SCHOOL: Raymond Telles Academy Special Campus (1,526 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
Southside Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 6, 2010. The Planning Division did not receive any phone calls or letters in support or opposition of the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan review for an infill development to allow for reduced setbacks on the sides and front. The required front setback is 10 feet and the required side street setback is 10 feet. The applicant is requesting zero front and side street setbacks. The site plan shows a new 17,250 square-foot Mercado. The proposed development that is located in the 2015 Downtown Plan is exempt from off-street parking regulations per Section 20.14.050 D. *Off-street Parking*. The site plan shows 18 parking spaces, 2 ADA accessible parking spaces and 3 bicycle spaces. Access is proposed from the alley.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request as it meets all the requirements of 20.04.150, Detailed Site Development Plan, and 20.04.320, Special Permit and the DCC did not have any objections to Planning recommendation.

The Plan for El Paso –City-wide Land Use Goals

All applications for special permit and detailed site development plan shall demonstrate compliance with the following criteria:

- a. Goal: provide and enforce standards for providing decent, safe and sanitary housing for all El Pasoans in accordance with federal, state, and local regulations.
- b. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The purpose of C-4 (Commercial) districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

Economic Development 2015 Downtown Plan Recommendations

1. Recommend that alternative doors other than roll up doors be installed as per Downtown Plan.
2. Recommend that 12-15 ft. sidewalks be provided as per Downtown Plan.
3. Recommend a distance of 50 ft. between windows as per Downtown Plan.
4. Recommend that awnings be used as per Downtown Plan.
5. Recommend additional landscaping to include trees along sidewalk as per Downtown Plan.

Engineering and Construction Management Department – Plan Review

Zoning: Plan Review has no objections.

Landscaping: No comments received.

Engineering and Construction Management Department – Land Development

Comments:

1. Driveway width 25' min. and 35' max.
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
3. Grading plan and permit shall be required.*
4. Storm Water Pollution Prevention Plan and/or permit required.*
5. Drainage plans must be approved by the Development Services Department, Engineering Section.*
6. Coordination with TXDOT
7. No water runoff allowed outside the proposed development boundaries, (On-site ponding required)
8. The Subdivision is within Flood Zone C – “Areas of minimal flooding, (No shading).” – Panel # 480214 0039B, dated October 15, 1982.

* This requirement will be applied at the time of development.

Transportation Department

1. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.
2. Access is shown from alley; alley shall be improved to Current City Standards.
3. Clarify accessible path for pedestrians from parking
4. Area in front of parking stops should be marked as no parking with striping or signs to prevent double stacking of cars.

(Comments 3-4 have been addressed and comments 1-2 will be addressed at permitting stage)

Fire Department

No objections.

El Paso Water Utilities

No comments received.

CITY PLAN COMMISSION OPTIONS

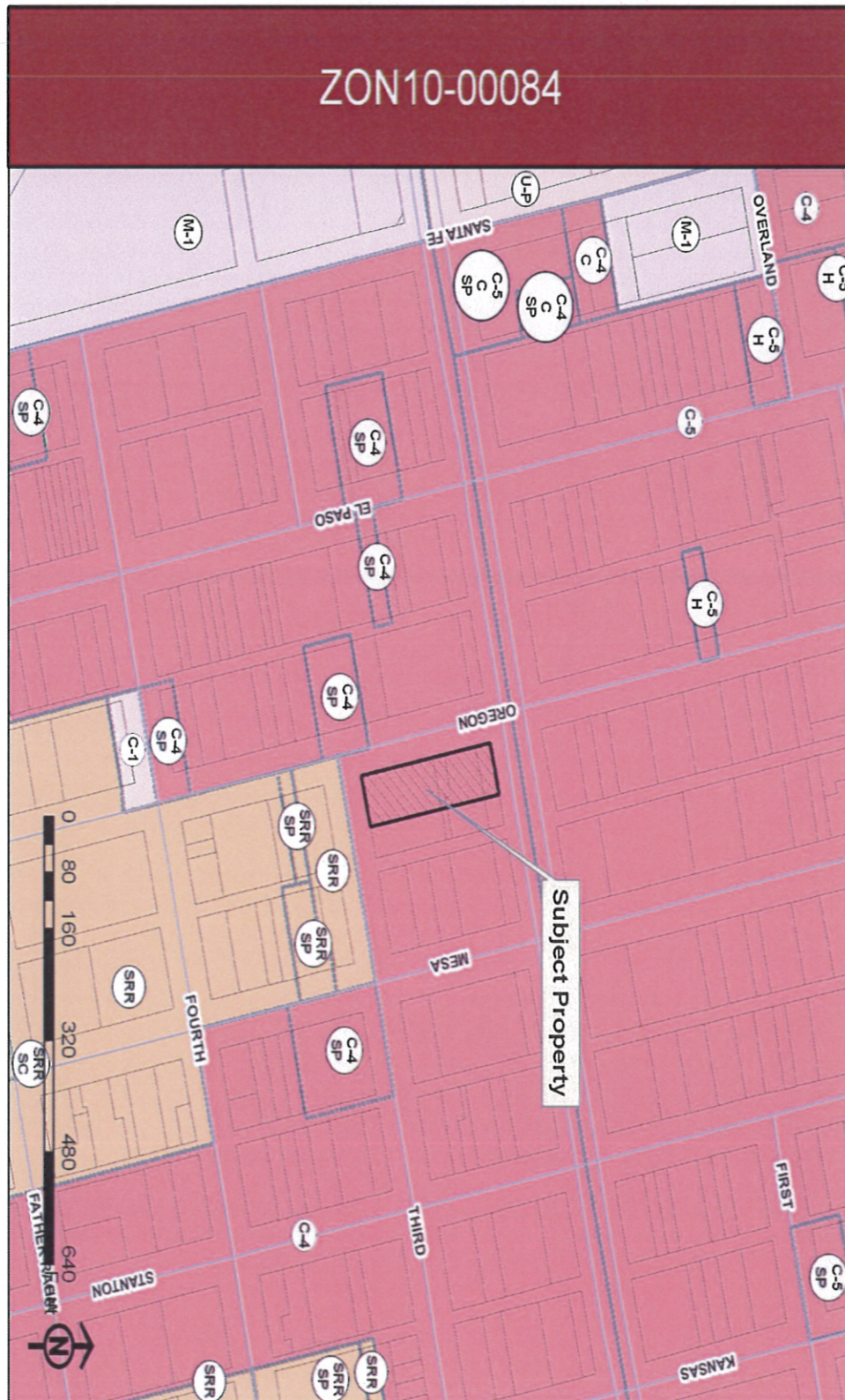
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit and detailed site development plan does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations

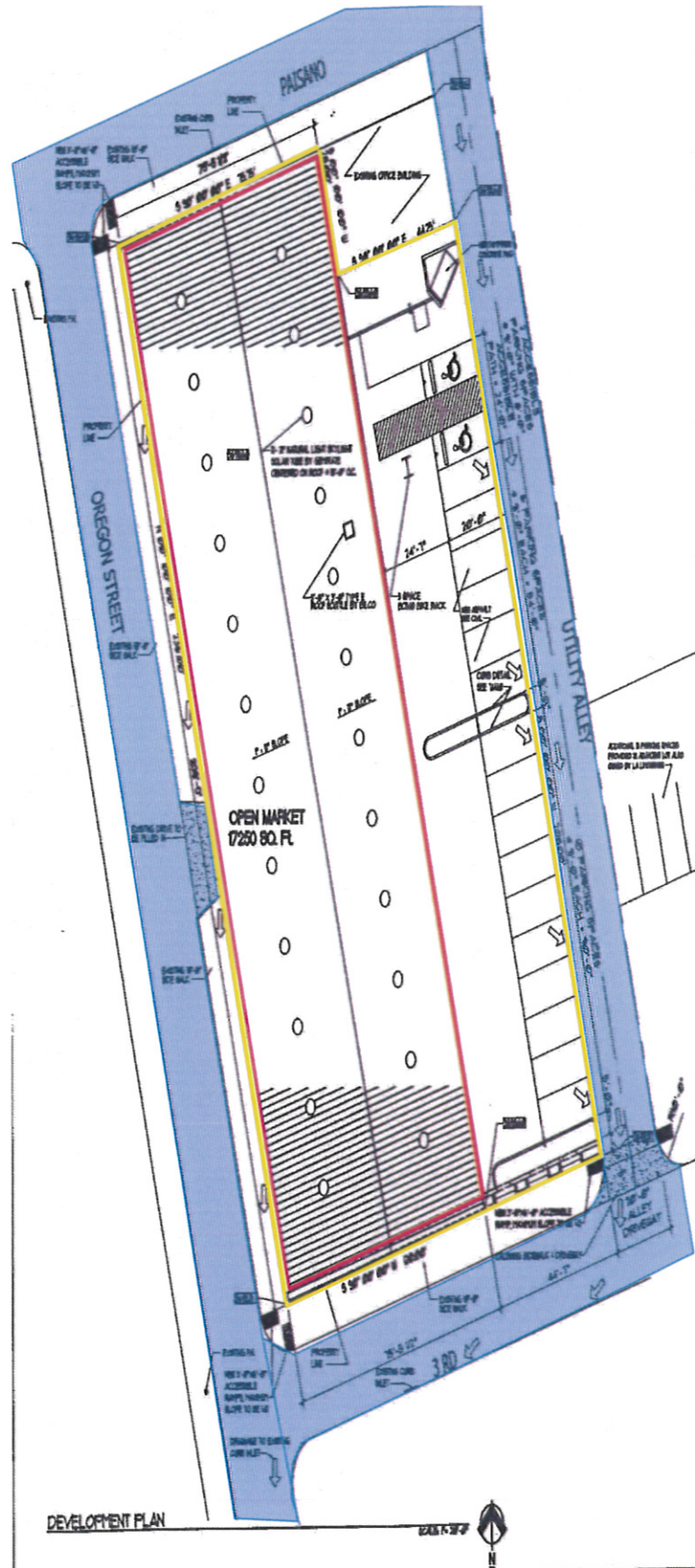
ATTACHMENT 1: ZONING MAP



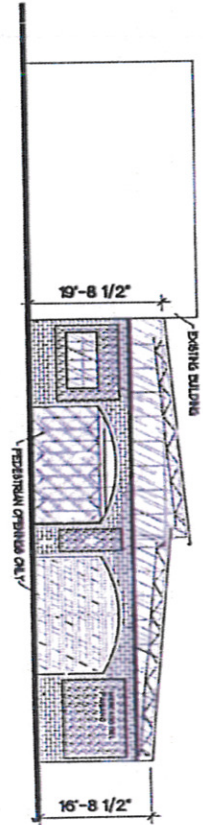
ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

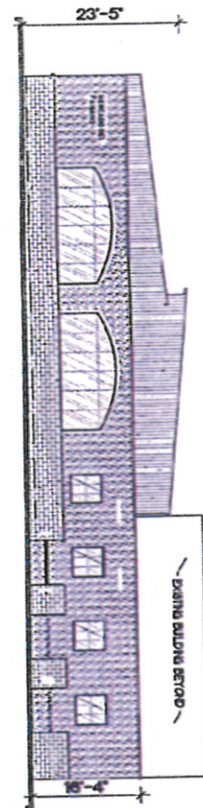


ATTACHMENT 3: ELEVATIONS



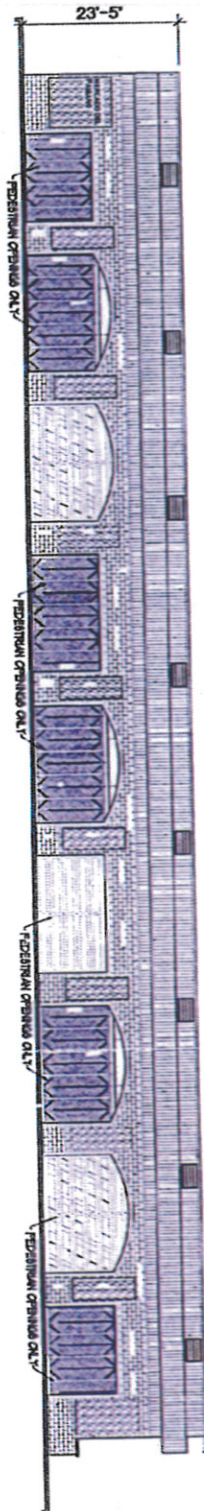
PAISANO DRIVE ELEVATION

SCALE: 1" = 20'-0"



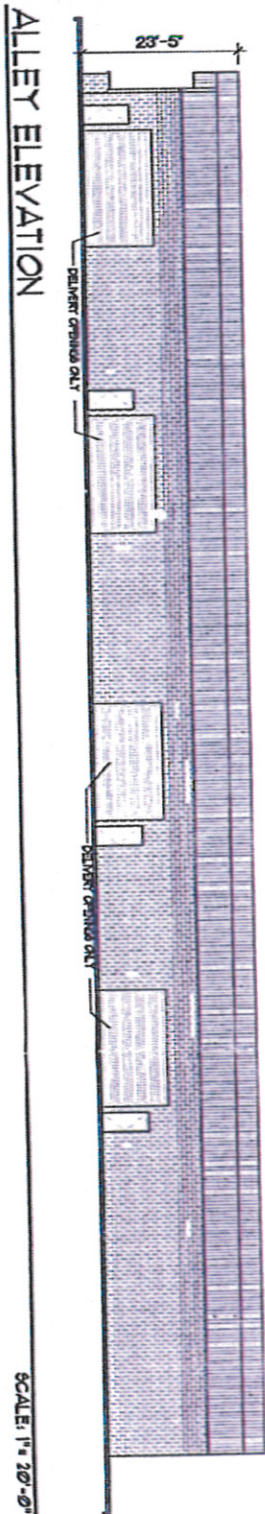
3RD AVENUE ELEVATION

SCALE: 1" = 20'-0"



OREGON ST. ELEVATION

SCALE: 1" = 20'-0"



ALLEY ELEVATION

SCALE: 1" = 20'-0"